

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

March 17, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

**C054718 AMERICAN BOARD OF COSMETIC SURGERY, INC.
v. MEDICAL BOARD OF CALIFORNIA et al.**

Cause called. Jane Zack Simon, Deputy Attorney General, argued for appellant. William K. McVisk argued for appellants. John T. Kennedy argued and Peter A. Gaido appeared only for respondent. Cause submitted.

At 10:05 a.m., the court recessed. At 10:10 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

**C056463 SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY; SOUTH SAN
JOAQUIN IRRIGATION DISTRICT et al.**

Cause called. Daniel J. Schroeder argued for petitioner. Martin L. Finemam argued and Rochelle L. Wilcox appeared only for respondent, South San Joaquin Irrigation District et al. Michael M. Berger appeared only for real parties in interest Pacific Gas & Electric. Cause submitted.

At 10:41 a.m., the court recessed. At 10:44 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

**C056661 SOUTH SAN JOAQUIN IRRIGATION DISTRICT v. THE SUPERIOR COURT
OF SAN JOAQUIN COUNTY; SAN JOAQUIN LOCAL AGENCY FORMATION
COMMISSION et al.**

Cause called. Martin L. Fineman argued and Rochelle L. Wilcox appeared only for petitioner. Daniel J. Schroeder appeared only for respondent, San Joaquin Local Agency formation Commission et al. Michael M. Berger argued for real parties in interest, Pacific Gas & Electric. Cause submitted.

At 11:17 a.m., the court recessed. At 11:20 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

March 17, 2008 continued

C052924 THE PEOPLE v. DANNY ROBERT CHAVEZ

Cause called. Doris A. Calandra, Deputy Attorney General, argued for appellant. There was no appearance made for respondent. Cause submitted.

At 11:22 a.m., the court recessed. At 11:25 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C053346 THE PEOPLE v. ANDRADE

Cause called. Kenny N. Giffard argued for appellant. Wanda Hill Rouzan, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:51 a.m., the court recessed. At 1:59 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Robie, Associate Justice.

C054262 MICHAELINA O. v. HEALTH AND HUMAN SERVICES et al.

Cause called. Edward P. Dudensing argued for appellant. Carol A. Wieckowski argued for respondent. Cause submitted.

At 2:23 p.m., the court recessed. At 2:29 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C052105 DEPARTMENT OF CORPORATIONS v. CALIFORNIA STATE PERSONNEL BOARD; ERNESTINE FORREST

Cause called. Ernestine Forrest, argued for herself in pro per as appellant and real party in interest. Joan E. Branin, Labor Relations Counsel, argued for respondent. Cause submitted.

At 2:48 p.m., the court recessed. At 2:54 p.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C053173 THE PEOPLE v. BRAGG

Cause called. Valerie G. Wass, court appointed counsel, argued for appellant. Tia M. Coronado, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:28 p.m., the court recessed until Tuesday, March 18, 2008 at 9:30 a.m.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

March 17, 2008 continued

- C050898 THE PEOPLE v. CUMMINGS (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Morrison, J.
- C053259 THE PEOPLE v. HOLMES (Not For Publication)**
The restitution fine imposed and suspended pursuant to Penal Code section 1202.45 is stricken. The trial court shall prepare a corrected abstract of judgment deleting this fine, and forward a certified copy of the corrected abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C053534 THE PEOPLE v. GAY (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C054679 THE PEOPLE v. MORRIS (Not For Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Butz, J.
- C053775 BRACEWELL v. NAKAWATASE (Not For Publication)**
etc., et al.; DEPARTMENT OF HEALTH SERVICES
The judgment is affirmed. The Department shall recover costs on appeal.
RAYE, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C053535 PEOPLE v. REID**
BY THE COURT:
Appellant's position for rehearing is denied.
SIMS, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

March 18, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Harper, bailiff.

C054579 THE PEOPLE v. BRATCHER

Cause called. Peggy A. Headley, court appointed counsel, argued for appellant. Robert C. Nash, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:58 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C050251 BANKS v. WILLIAMS

Cause called. George J. Williams argued for himself in pro per as appellant. Gerald F. Mohun, Jr., argued for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:04 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C055005 PLUMAS COUNTY CHILD SUPPORT SERVICES v. RODRIQUEZ

Cause called. Sharon Quinn, Deputy Attorney General, argued for appellant. W. Wayne Yates, Jr. argued for respondent. Cause submitted.

At 10:23 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Hull, Associate Justice.

**C057419 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES et al. v THE
SUPERIOR COURT OF SISKIYOU COUNTY; DONYAE P. et al.**

Cause called. Christine Murphy, Deputy Attorney General, argued for petitioners. Paula Baca, Deputy County Counsel, argued for petitioners. Leslie Salem argued for respondent. Cause submitted.

At 2:34 p.m., the court recessed. At 2:37 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

March 18, 2008 continued

C054010 DAVID HENDERSON v. UNITED INSURANCE COMPANIES, INC., et al.
Cause called. Antony Stuart argued and George A. Gallegos appeared only for appellant. Andre J. Cronthall argued for respondents UICI. Aimee Cook Oleson argued for respondents National. Jeffrey H. Ochrach argued for respondents Nast. Cause submitted.

At 3:13 p.m., the court recessed. At 3:14 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C055104 STATE WATER RESOURCES CONTROL BOARD CASES; GOLDEN GATE AUDUBON SOCIETY et al. v. STATE WATER RESOURCES CONTROL BOARD
Cause called. Stephen C. Volker argued for appellants. Mark W. Poole, Deputy Attorney General, argued for and Andrew H. Sawyer appeared only for respondent. Cause submitted.

At 3:39 p.m., the court recessed until March 19, 2008 at 9:30 a.m.

C053001 THE PEOPLE v. RUIZ (Not For Publication)
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Morrison, J.

C054459 THE PEOPLE v. DECKER (Not For Publication)
The judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Hull, J.

C055573 THE PEOPLE v. SILVEIRA (Not For Publication)
Defendant's conviction is affirmed, as is the judgment, with the exception of the \$2,128 fine, which amount is vacated and remanded for further proceedings in accordance with this opinion.
SIMS, Acting P.J.
We Concur: Raye, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

March 19, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

C056099 In re CLARENCE BURDAN on Habeas Corpus

Cause called. Michael Satris, court appointed counsel, argued for petitioner. Pamela Hooley, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:52 a.m., the court recessed. At 9:56 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C055095 In re the Marriage of MONTGOMERY v. HARWOOD

Cause called. Katherine Codekas argued for appellant. Betsy S. Kimball argued for respondent. Cause submitted.

At 10:21 a.m., the court recessed. At 10:25 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C054314 Estate of TROY McDANIEL; McDANIEL v. McDANIEL

Cause called. Kevin Farnworth and Joseph A. Magda argued for appellant. Judy L. Carver argued for respondent. Cause submitted.

At 10:45 a.m., the court recessed. At 2:01 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice. Cause called.

**C054313 CALIFORNIA EARTH CORPS; STATE LANDS COMMISSION et al.
v. DEVELOPERS DIVERSIFIED REALTY**

Cause called. Douglas P. Carstens argued and Jan Chatten appeared only for appellant. Joshua N. Levine argued for respondents. Robert Bower argued for the City. Alan V. Hager, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:29 p.m., the court recessed. At 2:30 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice. Cause called.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

March 19, 2008 continued

C053169 THE PEOPLE v. KIRK

Cause called. Paul R. Kraus, court appointed counsel, argued for appellant. Raymond L. Brosterhous, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:30 p.m., the court recessed. At 2:53 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice. Cause called.

C053874 McGREW v. UNION BANK OF CALIFORNIA, N.A. et al.

Cause called. William E. Robinson argued for appellant. Paul J. Pascuzzi argued for respondents Union Bank. Carter Glahn argued for respondents Anchor Group. Cause submitted.

At 2:30 p.m., the court recessed until Friday, March 21, 2008 at 9:30 a.m.

C054405 THE PEOPLE v. QUINN

(Not For Publication)

The judgment is affirmed.
BLEASE, Acting P.J.

We Concur: Sims, J.
Robie, J.

C055709 THE PEOPLE v. LOPEZ, JR.

(Not For Publication)

The judgment is affirmed.
SIMS, J.

We Concur: Scotland, P.J.
Nicholson, J.

C055764 THE PEOPLE v. FEUSI

(Not For Publication)

The judgment is affirmed.
ROBIE, J.

We Concur: Nicholson, Acting P.J.
Butz, J.

C055924 THE PEOPLE v. LARRUCEA

(Not For Publication)

The judgment is affirmed.
ROBIE, J.

We Concur: Nicholson, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

March 19, 2008 continued

**C055910 In re M.G.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. ROSEMARY G.**

The judgment of disposition is affirmed.

RAYE, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

March 20, 2008

C052184 THE PEOPLE v. BECKER (Not For Publication)

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that a consecutive unstayed term of eight months (not two years) was imposed for the burglary conviction alleged in count two; a consecutive term of one year was imposed for the prior prison term enhancement; and a concurrent unstayed term of eight months (not two years) was imposed for the burglary conviction alleged in count one B of case No. 03F10833. The trial court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

C052776 THE PEOPLE v. CARTER et al. (Not For Publication)

The judgments are affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

March 21, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Morrison, Associate Justice; Hull, Associate Justice; and Haskett, bailiff.

**C054654 LOWREY v. CALIFORNIA PUBLIC EMPLOYEES; RETIREMENT SYSTEM;
CITY OF BAKERSFIELD**

Cause called. Craig Alfred Brandt argued for appellant. Rory J. Coffey argued and Robert McComas Sherfy, Deputy City Attorney, appeared only for respondent. Cause submitted.

At 9:45 a.m., the court recessed. At 9:48 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C054294 ADAIR et al. v. STOCKTON UNIFIED SCHOOL DISTRICT et al.
CITY OF BAKERSFIELD**

Cause called. Nancy A. Huneke argued for appellants. Thomas J. Driscoll, Jr., argued for respondents. Cause submitted.

At 10:24 a.m., the court recessed. At 10:29 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C055988 DAPHANIE BURNHAM v. WORKERS' COMPENSATION APPEALS
BOARD et al.**

Cause called. Steven J. Foster argued for petitioner. Michael K. Ward argued for respondents. Cause submitted.

At 10:44 a.m., the court recessed. At 10:50 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C053380 THE PEOPLE v. JOHN BARTHOLOMEW

Cause called. Steven S. Lubliner, court appointed counsel, argued for appellant. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:16 a.m., the court recessed until Monday, March 24, 2008 at 9:30 a.m.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

Court Minutes

March 21, 2008 continued

C052682 THE PEOPLE v. SANDOVAL (Not For Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Scotland, P.J.
Robie, J.

C052953 THE PEOPLE v. DELATORRE (Not For Publication)

The judgment is modified to impose the middle term of two years for the count 5 conviction (participation in a criminal street gang) and the count 7 conviction (unlawful possession of a loaded firearm) and by striking the enhancements of 15 years to life on the three attempted murder counts, and replacing them with a 15-year minimum parole eligibility date. ... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these modifications and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.
Robie, J.

C053602 THE PEOPLE v. TARR (Not For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.
Butz, J.

C054287 THE PEOPLE v. MENDOZA (Not For Publication)

The judgment is modified by staying service of the sentence imposed on count 13, possession of a loaded firearm on his person or in a vehicle by a felon. Consequently, defendant's total determinate prison term is 30 years, six months. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and that defendant was convicted of violating Penal Code section 12020, subdivision (a) (1) in count 7 and Penal Code section 148, subdivision (a) (1) in count 14, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Butz, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

11

Court Minutes

March 21, 2008 continued

C056541	In re R.K.; THE PEOPLE v. R.K. (Certified For Publication) The judgment is reversed. ROBIE, J. We Concur: Sims, Acting P.J. Butz, J.
C053709	THE PEOPLE v. ROBINSON BY THE COURT: Appellant's petition for rehearing is denied. DAVIS, Acting P.J.